

BERNARD ET AL. -- 10/783,716
Client/Matter: 042860-0308305

REMARKS

Applicants respectfully request reconsideration of the present application based on the foregoing amendments and the following remarks. By this amendment, Figures 1 and 2 and are amended. Additionally, claims 1, 8, 14, 19, 23, 25 and 27 have been amended. Upon entry of the amendment, claims 1-28 are pending in the application.

Applicants thank the Examiner for the indication that claims 8 and 9 contain allowable subject matter. Claim 8 has been amended to be in independent form and should be allowed.

In the Office Action, Figures 1 and 2 are objected to. Applicants have amended the drawings to include the legend “--PRIOR ART--” as required.

In the Office Action Claims 1-7 and 10-28 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,708,137 to Carley (“Carley”). Applicants have amended independent claims 1, 8, 14, 19, 23, 25 and 27 for the purpose of advancing prosecution of the Application. Applicants respectfully submit that Carley would not have rendered obvious the claimed subject matter.

Carley does not teach the optical network unit (ONU) and optical line termination recited in the independent claims. Further, Carley does not teach an ONU having one or more counters synchronized to the current system time as recited in amended claims 1 and 23, and does not teach portions of collected network data that are identified with time intervals synchronized by or associated with a received indication as recited in amended claims 14, 19, 25 and 27.

Even if Carley had taught an ONU, it would not have rendered obvious the subject matter of the independent claims. “According to ITU-T G.983.2 ... an ONU has no knowledge of OLT system time” (Specification at [00029]). Consequently, had Carley taught an ONU, the maintenance of system time at an ONU and associating data with synchronized time intervals are novel in the art and would nevertheless not have been obvious to a person having ordinary skill in the art. Therefore, for at least these reasons, Applicants respectfully request withdrawal of the rejections of amended claims 1, 14, 19, 23, 25 and 27.

BERNARD ET AL. -- 10/783,716
Client/Matter: 042860-0308305

For at least the reasons presented above and in view the amendments to the claims, Applicants respectfully submit that claims 1-28 are in a condition for allowance, and respectfully request a Notice to that effect.

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

Beth Csoft

ANTHONY G. SMYTH Reg. No. 55,636
Tel. No. 650 233.4802

Customer No. 27498
2475 Hanover Street
Palo Alto, CA 94304-1114